

Natural Environment Referral Response - Biodiversity

Application Number:	DA2019/0887
Date:	16/03/2020
Responsible Officer	Anne-Marie Young
Land to be developed (Address):	Lot 25 DP 5464 , 2 Macpherson Street WARRIEWOOD NSW 2102

Reasons for referral

This application seeks consent development on land, or within 40m of land, containing:

- All Development Applications on
- Actual or potential threatened species, populations, ecological communities, or their habitats;
- Wildlife corridors;
- Vegetation query stipulating that a Flora and Fauna Assessment is required;
- Vegetation query - X type located in both A & C Wards;

And as such, Council's Natural Environment Unit officers are required to consider the likely potential environmental impacts.

Officer comments

Revised Comments

The current application seeks consent for a 24 Lot Community Title Subdivision to accommodate future residential development, and will not result in additional biodiversity impacts above that previously assessed and consented to as part of the construction of a road and earthworks (DAN0398/17). I note the response from Karimbla Constructions dated 5 February 2020. The letter addresses the majority of concerns raised within the original biodiversity referral comments.

I have also reviewed the consent conditions in relation to DAN0398/17, including the approved VMP (Conacher Consulting, dated April 2019) and Bulk Earthworks Plan DAC1015, issue F, dated 28 March 2019.

In particular, I note Condition B7, which states

"The recommendations of the approved Vegetation Management Plan, as referenced in condition A1 of this consent, are to be implemented prior, during and post construction, and adhered to until the land is dedicated to Council . Details demonstrating pre-construction compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate."

To ensure consistency with consent N0398/17, and ongoing continuity with the protection, restoration and ongoing maintenance and monitoring of the vegetation management actions to be implemented within the riparian corridor, several conditions have been adapted for the proposed biodiversity consent conditions for the subdivision development.

Original Comments

Council's Natural Environment - Biodiversity section cannot complete this assessment until further

information is provided.

This application was assessed against Pittwater LEP Clause 7.6 Biodiversity and Pittwater DCP 4.15. The site is also mapped within the Coastal Management SEPP as Coastal Wetlands and Coastal Wetlands Proximity Area. There is a small portion of vegetation within the northwestern corner that is mapped as having "Biodiversity Value" within the Biodiversity Values Map prescribed by the NSW Biodiversity Conservation Act 2016.

The proposal is for a 24-lot Community title subdivision including bush regeneration and landscaping works. The site has a court-approved DA (N0398/17) which includes civil works on the site (access road and stormwater infrastructure WSUDs).

The submitted **Threatened Species Assessment Report** (Conacher Consulting August 2019) assesses the impacts of the proposal on threatened entities. Figures 1.1 and 2.1 show an area in pink titled "Vegetation Removal Area" which includes areas mapped as "Native Vegetation". These figures are significantly different from Figure 2.1 within the Conacher Consulting July 2017 version of the report. This earlier version is consistent with the Riparian Corridor Vegetation Management Plan. Further clarification for changes in these figures is required. Ideally, these figures will be updated to be consistent with the Figure 2.1 within the Flora and Fauna Assessment Report (Conacher Consulting July 2017). The area of Swamp Oak Floodplain Forest EEC to be impacted has changed between the July 2017 and August 2019 impact assessment reports with no justification, although the subdivision works are enclosed by approved civil works. A comparison table below (Table 1) includes area calculations provided in both Assessment of Significance for SOFF EEC. This report satisfies impact assessment requirements subject to justification of these figures.

Table 1. SOFF EEC impact calculations

Report	Total SOFF EEC	Removal Area	Modification Area (APZ)	Total Disturbance Area	SOFF EEC to be retained
July 2017	0.4 ha	0.15 ha	0.11 ha	Not reported	0.14 ha
August 2019	0.21 ha	0.12 ha	0.05 ha	0.17 ha	0.04 ha

The submitted **Riparian Corridor Vegetation Management Plan** (Conacher Consulting August 2019) provides management actions for the 25m "Outer Riparian Corridor". This report is to be updated to include:

- Bush regeneration works for a minimum of 5 years post-construction
- The works program must be amended to include Key Performance Indicators for each management action / task. For example: By the end of the second year of the project a ratio of weed density/endemic native plant density not exceeding 5% weed density and not less than 95% native plant cover must be achieved.
- Addition of a table titled "Schedule of Management Costs" which provides the costs of all management actions, including quantity of plants (itemised by stratum) and bush regeneration staffing costs.
- A table of suitable species for replanting is to be included which is consistent with the ecological communities found onsite and surrounding land, (including the EECs). This is included in the previous report.

The submitted **Landscape Plan** (Meriton, 21/09/2018) references a "Landscape Early Works Package" within the area subject to restoration and rehabilitation in accordance with the Riparian Corridor Vegetation Management Plan (Conacher Consulting August 2019). This plan is to be updated to show and label the Riparian Zone Offset Area (proposed lot 24). The "Landscape Early works Package" is to be submitted which shows proposed landscaping works within proposed Lot 1, which act to provide a buffer to riparian vegetation.

Required information: Updated plans / reports which clarify impacts and management tasks as detailed above.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Implementation of Vegetation Management Plan

Details demonstrating pre-construction compliance with the Vegetation Management Plan (Conacher April 2019) approved as part of the road construction and earthworks consent (DA N0398/17) are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Biodiversity/Vegetation Conservation and Management.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Implementation of Vegetation Management Plan

The recommendations of the approved Vegetation Management Plan (Conacher April 2019) approved as part of the road construction and earthworks consent (DA N0398/17) are to be implemented prior, during and post construction, and adhered to until the land is dedicated to Council . Details demonstrating pre-construction compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that the riparian zone is rehabilitated and protected in accordance with the consent.

Protection Fencing

Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in Section 2.2.5 of the Vegetation Management Plan (Conacher April 2019) approved as part of the road construction and earthworks consent (DA N0398/17). Protection measures are to be maintained for the duration of the works. Protection fencing that is no longer required is to be removed once all works are completed. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: Environmental Protection

Engagement of ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all vegetation

management measures are carried out according to the conditions of consent. The Project Ecologist will provide certification that conditions relating to the Vegetation Management Plan (Conacher April 2019) approved as part of the road construction and earthworks consent (DA N0398/17) are carried out. The Project Ecologist will ensure that all conditions relating to the vegetation management of the property are fully implemented. The Project Ecologist must have one of the following memberships and/or accreditation:

- Practising member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Reason: To ensure that the riparian zone is rehabilitated and protected in accordance with the consent.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Control of Weeds

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Reason: Weed management.

No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

Works to cease if item found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE

Certification of Vegetation Management and ongoing work

The Project Ecologist or Ecological Consultant is to certify that:

- a) Native plant selection and planting as per Vegetation Management Plan (Conacher April 2019) approved as part of the road construction and earthworks consent (DA N0398/17) has been completed;

- b) All actions prescribed in the approved Vegetation Management Plan (Conacher April 2019) have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan prior, during and post construction, and adhered to until the land is dedicated to Council;
- c) confirm that they comply with the recommendations of the approved Vegetation Management Plan and will undertake to:
- a. visit the site immediately following completion of the works in the creekline corridor on site; and
 - b. visit the site on a three (3) monthly basis for a period of 2 years and/or until the land is dedicated to Council (whichever is the longest) to ensure implementation of the Vegetation Management Plan.

Reason: Vegetation management